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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/618,586	07/15/2003	Fabrice Balavoine	240037US0XDIV	6883
22850	7590	05/12/2006	EXAMINER	
OBLON, SPIVAK, MCCLELLAND, MAIER & NEUSTADT, P.C. 1940 DUKE STREET ALEXANDRIA, VA 22314			CEPERLEY, MARY	
			ART UNIT	PAPER NUMBER

1641

DATE MAILED: 05/12/2006

Please find below and/or attached an Office communication concerning this application or proceeding.



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APPLICATION NO./ CONTROL NO.	FILING DATE	FIRST NAMED INVENTOR / PATENT IN REEXAMINATION	ATTORNEY DOCKET NO.
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EXAMINER
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ART UNIT	PAPER
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05092006

DATE MAILED:

**Please find below and/or attached an Office communication concerning this application or proceeding.**

**Commissioner for Patents**

See the attached letter.

Mary (Molly) E. Ceperley  
Primary Examiner  
Art Unit: 1641

Art Unit: 1641

**1)** The reply filed on April 07, 2006 is not fully responsive to the prior Office Action because of the following omission(s) or matter(s): applicant has failed to make an election of an invention in accordance with the restriction requirement as set forth in the January 09, 2006 Office action.

Contrary to applicant's statement, the restriction requirement was not based on any entities defined as "Group I", "Group II" and "Group III"; there is no description of such entities in the restriction requirement. Rather, the restriction was based on patentably distinct inventions being defined by "each separate combination of the variables "H", "E" and "L" which define the reagent "H-E-L"" {paragraph **2)** of the January 09, 2006 restriction requirement}. The restriction requirement is consistent with applicant's statement that "reagent H-E-L must be viewed as a single entity and not broken up into its component parts" (Remarks, page 2). The reasons why each combination of variables which define "H-E-L" is considered to be chemically and functionally distinct and why a complete search of all inventions encompassed by "H-E-L" would be burdensome are set forth in the fifth subparagraph of paragraph of **2)** of the restriction requirement.

**2)** Applicant is required to elect a single invention by specifically defining a reagent "H-E-L". This election requires that each of the variables "H", "E" and "L" be specifically defined. For example, "H" = Cu-IDA, "E" = C<sub>1</sub>-C<sub>10</sub> alkylene and "L" = "Ar<sub>2</sub>"; the attachment points of "H", "E" and "L" relative to each other must also be defined. The claims will be searched and examined to the extent that they encompass the elected invention and other "H-E-L" combinations which are patentably indistinct from the elected "H-E-L" combination.

Applicant must state on the record which claims are readable on the elected invention.

**3)** See 37 CFR 1.111. Since the above-mentioned reply appears to be *bona fide*, applicant is given **ONE (1) MONTH or THIRTY (30) DAYS** from the mailing date of this notice, whichever is

Art Unit: 1641


longer, within which to supply the omission or correction in order to avoid abandonment. EXTENSIONS OF THIS TIME PERIOD MAY BE GRANTED UNDER 37 CFR 1.136(a).

4) Any inquiry concerning this communication or earlier communications from the examiner should be directed to Mary (Molly) E. Ceperley whose telephone number is (571) 272-0813. The examiner can normally be reached from 8:30 a.m. to 5:00 p.m.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Long V. Le, can be reached on (571) 272-0823. The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

May 09, 2006

  
Mary (Molly) E. Ceperley  
Primary Examiner  
Art Unit 1641